HON'BLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION NO.304 OF 2006

DATE:21.08.2007

Between:
Sandyaboina Satyavathi

..... PETITIONER

AND

Station House Officer,
P.S.Karimnagar, I Town,
Karimnagar & another.

.....RESPONDENTS

HON'BLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION NO.304 OF 2006

ORDER

Petitioner seeks to issue a writ of mandamus declaring the registration of crime in FIR No.590 of 2005 dated 13.12.2005 on the file of P.S., Karimnagar I Town, under Section 3(i) (x) of Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, as arbitrary and illegal and to quash the same.

The second respondent is the complainant on whose complaint dated 25.11.2005, F.I.R.No.590 of 2005 has been registered against the petitioner for the offence under Section 3(i) (x) of Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989. According to the second respondent, the petitioner went to his house on 25.11.2005 at about 12.30 p.m., scolded him taking his caste name and threatened him with dire consequences. It is the case of the petitioner-accused that on the date of the alleged incident, she was present in the Court of the Principal Junior Civil Judge, Karimnagar from 10.30 a.m. to 2.00 p.m. and therefore, the allegation of her committing the offence as alleged at 12.30 p.m. on 25.11.2005 is false.

Whether there is any evidence in proof of the contention of the petitioner that she was present in the Court relating to the trial of a case in O.S.No.194 of 2003 and there was any possibility of her committing the offence as alleged at 12.30 p.m. on 25.11.2005 is a matter of adjudication basing on the evidence to be adduced by the petitioner during the course of trial.

The counter filed by the first respondent goes to show that the investigation into the crime has already been completed, but

pursuant to the orders of this Court not to arrest the petitioner, charge sheet could not be filed.

I am of the opinion that when the investigation has already been completed and the charge sheet is yet to be filed, it may not be just and proper for this Court to express any opinion on the contentions raised by the petitioner. It is for the trial Court to record the evidence and to try the case and take appropriate action. It is open for the first respondent to file the charge sheet. But, I do not see any grounds to set aside the F.I.R. in view of the allegations made therein.

With the above observations, the Writ Petition is dismissed. No costs.

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V. ESWARAIAH, J

21st AUGUST, 2007
Tsr.